

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

D.V.D., *et al.*,
Individually and on behalf of all others
similarly situated,

Plaintiffs,

v.

U.S. Department of Homeland Security,
et al.,

Defendants.

Civil Action No. 1:25-cv-10676-BEM

**DECLARATION OF ACTING ASSISTANT DIRECTOR
MARCOS D. CHARLES**

Pursuant to 28 U.S.C. § 1746, I, Marcos D. Charles, declare as follows:

1. I am an Acting Assistant Director for Field Operations at Enforcement and Removal Operations (“ERO”) at U.S. Immigration and Customs Enforcement (“ICE”) within the U.S. Department of Homeland Security (“DHS”). As the Acting Assistant Director, I am responsible for oversight of 25 ERO Field Office Directors, ensuring all field operations are working to efficiently execute the agency mission.
2. I began my career with the U.S. Government as a Border Patrol Agent for the former Immigration and Naturalization Service in Hebbronville, TX. Over time I was promoted to Senior Border Patrol Agent, Supervisory Border Patrol Agent, and Field Operations

Supervisor. I joined ICE in 2008 as the Assistant Officer in Charge. Over time I was promoted to Supervisory Detention and Deportation Officer, Assistant Field Office Director, Chief of Staff, Deputy Field Office Director, and Field Office Director before becoming the Acting Assistant Director.

3. I provide this declaration based on my personal knowledge, reasonable inquiry, and information obtained from various records, systems, databases, other DHS employees, and information portals maintained and relied upon by DHS in the regular course of business.
4. [REDACTED] is a native and citizen of Burma, who entered the United States on or about August 10, 2016. On or about September 22, 2020, [REDACTED] was convicted in the District Court of Lancaster County, Nebraska for the offense of attempt sexual assault in the 1st degree in violation of Nebraska Statute 28-201(4)(B) and 28-319(1)(a) or (b), and was sentenced from twelve to fourteen years in prison, based on criminal complaint alleging that he attempted to sexually penetrate a victim without consent or when he knew or should have known that the victim was mentally or physically incapable of resisting or appraising the nature of the conduct.
5. [REDACTED] was ordered removed by an immigration judge in Omaha, Nebraska on August 17, 2023, and he waived appeal, rendering the removal order administratively final.
6. [REDACTED] was selected for removal to South Sudan on the flight at issue due to his egregious criminal history and the fact that Burma has historically been recalcitrant in the acceptance of the return of its nationals.

7. Upon further investigation after contact from [REDACTED] counsel, it was realized that [REDACTED] was in fact in possession of a travel document to Burma. Thereafter, it was decided that he would instead be removed to Burma.

I declare under penalty of perjury that the foregoing is true and correct.

Signed on the 22nd day of May, 2025

**MARCOS D
CHARLES** Digitally signed by
MARCOS D CHARLES
Date: 2025.05.22
20:05:40 -04'00'

Marcos D. Charles
Acting Assistant Director
Field Operations
Enforcement and Removal Operations
U.S. Immigration and Customs Enforcement
U.S. Department of Homeland Security